THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21011 of 2006

Dated: 27-04-2007

Between:

Molleti Vidyasagar.

..... PETITIONER

AND

The District Panchayat Officer, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21011 of 2006

ORDER:

Third respondent, who was Assistant Panchayat Secretary of Tamarabba Gram Panchayat, Visakhapatnam District, was also discharging the duties as Panchayat Secretary. The petitioner, who was elected as Sarpanch on 06.08.2006, made a complaint against third respondent. Considering the same, second respondent issued proceedings in Rc.No.45/2006/A1 dated 31.08.2006 posting one V.N.V. Prasad Kumar as permanent Panchayat Secretary of Tamarabba Gram Panchayat. Again by proceedings in Rc.No.46/2006/Memorandum dated 18.09.2006, V.N.V. Prasad Kumar was withdrawn as Panchayat Secretary of Tamarabba Gram Panchayat and was directed to take charge as Panchayat Secretary of Nagayyapeta Gram Panchayat. Aggrieved by the same, instant writ petition is filed.

The post of Panchayat Secretary of a Village is a civil post and all the conditions of service in relation thereto fall within the jurisdiction of the Andhra Pradesh Administrative Tribunal, as held by the Supreme Court in **L. Chandra Kumar v. Union of India**[1]. Initially this Court has no jurisdiction to entertain such issue under Article 226 of the Constitution of India. The petitioner's remedy lies elsewhere.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

27th April, 2007
ghn

[1] A.I.R. 1997 SC 1125